

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION

CHERRI HARTZELL,)	
)	
Plaintiff,)	
)	
vs.)	No. 2:03CV0062 AGF
)	
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's application for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(B). Plaintiff is the prevailing party in this action challenging the Commissioner of Social Security's denial of Plaintiff's applications for disability insurance benefits under Title II of the Social Security Act and supplemental security income under Title XVI of the Act. Plaintiff requests fees at the hourly rate of \$156.25 for 10.7 hours of attorney services, and at the hourly rate of \$60.00 for .3 hour for the services of a case administrator employed by counsel's law firm. This totals \$1,689.87 (\$1,671.87 + \$18.00, respectively).¹ The request for fees is supported by appropriate documentation and is unopposed by the

¹ Plaintiff's documentation and request includes the services of the two individuals mentioned above. The total amount specifically mentioned in Plaintiff's motion, however, only covers the hours expended by Plaintiff's attorney and not the case administrator. As Plaintiff requests all relief as may be deemed just and proper, the Court construes the motion as also requesting fees for the documented hours expended by the case administrator.

Commissioner. The documentation reflects that the tasks performed by the case administrator were not merely clerical, but rather were tasks traditionally performed by an attorney. Thus the fees for the case administrator are recoverable. See Stockton v. Shalala, 36 F.3d 49, 50 (8th Cir. 1994).

Upon review of the record,

IT IS HEREBY ORDERED that Plaintiff's application for attorney's fees is **GRANTED** in the amount of \$1,689.87. [Doc. #20]

IT IS FURTHER ORDERED that said fees shall be made payable to Gateway Legal Services, Inc.


AUDREY G. FLEISSIG
UNITED STATES MAGISTRATE JUDGE

Dated this 14th day June, 2005.

